

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DR. CRISTIAN STEFAN and DR. ANCUTA STEFAN, : 10 CV 00192 (AKH)

Plaintiffs, :  
----- X

-against- : **ANSWER**

TOURO COLLEGE and TOURO UNIVERSITY :  
COLLEGE OF MEDICINE, INC., :  
----- X

Defendants. :  
----- X

Defendants, Touro College and Touro University College of Medicine, Inc., by their attorneys, Snitow Kanfer Holtzer & Millus, LLP, as and for their Answer to the Complaint of plaintiffs, allege as follows:

**THE PARTIES**

1. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "1" of the Complaint.
2. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "2" of the Complaint.
3. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "3" of the Complaint, except aver that Touro College is a Jewish-sponsored independent institution of higher and professional education incorporated by action of the Board of Regents of the University of the State of New York Education Department, is subject to provisions of the New York

Not-For-Profit Corporation Law, and maintains its principal business address at the location alleged.

4. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "4" of the Complaint, except aver that Touro University College of Medicine, Inc. ("TouroMed") was formed as an independent institution under Jewish auspices pursuant to the New Jersey not-for-profit corporation laws, has had certain affiliation with Touro College, and maintained a principal business address at the location alleged, and further, deny the allegations to the extent they allege or suggest that TouroMed is presently an operational institution.

**JURISDICTION**

5. Except as hereinbefore admitted or otherwise pleaded, defendants deny the allegations contained in Paragraph "5" of the Complaint.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "6" of the Complaint.

**VENUE**

7. Except as hereinbefore admitted or otherwise pleaded, defendants deny the allegations contained in Paragraph "7" of the Complaint.

8. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "8" of the Complaint.

**COUNT ONE**

9. Except as hereinbefore admitted or otherwise pleaded, defendants deny the allegations contained in Paragraph "9" of the Complaint.

10. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "10" of the Complaint, except admit that a certain Exhibit "A" is annexed to the Complaint, and respectfully refer the Court to said exhibit and the alleged written employment contract for the true content and meaning thereof.

11. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "11" of the Complaint, and respectfully refer the Court to the alleged contract for the true content and meaning thereof.

12. Insofar as there is no Paragraph "12" in the Complaint, no response is required.

13. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "13" of the Complaint, and respectfully refer the Court to the alleged contract for the true content and meaning thereof.

14. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "14" of the Complaint.

15. Deny the allegations contained in Paragraph "15" of the Complaint.

16. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "16" of the Complaint, except

admit that a certain Exhibit "B" is annexed to the Complaint, and respectfully refer the Court to said exhibit for the true content and meaning thereof.

17. Deny the allegations contained in Paragraph "17" of the Complaint.

18. Deny the allegations contained in Paragraph "18" of the Complaint.

19. Deny the allegations contained in Paragraph "19" of the Complaint.

**COUNT TWO**

20. Except as hereinbefore admitted or otherwise pleaded, defendants deny the allegations contained in Paragraph "20" of the Complaint.

21. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "21" of the Complaint, except admit that a certain Exhibit "C" is annexed to the Complaint, and respectfully refer the Court to said exhibit and the alleged written employment contract for the true content and meaning thereof.

22. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "22" of the Complaint, and respectfully refer the Court to the alleged contract for the true content and meaning thereof.

23. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "23" of the Complaint, and respectfully refer the Court to the alleged contract for the true content and meaning thereof.

24. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "24" of the Complaint, and respectfully refer the Court to the alleged contract for the true content and meaning thereof..

25. Deny the allegations contained in Paragraph "25" of the Complaint.

26. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "26" of the Complaint, except admit that a certain Exhibit "B" is annexed to the Complaint, and respectfully refer the Court to said exhibit for the true content and meaning thereof.

27. Deny the allegations contained in Paragraph "27" of the Complaint.

28. Deny the allegations contained in Paragraph "28" of the Complaint.

29. Deny the allegations contained in Paragraph "29" of the Complaint.

**FIRST AFFIRMATIVE DEFENSE**

30. The Complaint fails to state any cause of action against defendant Touro College upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

31. The Complaint fails to state any cause of action against defendant TouroMed upon which relief may be granted.

**THIRD AFFIRMATIVE DEFENSE**

32. Defendants are in full compliance with the terms, conditions, and provisions of any employment contract(s) entered into with plaintiffs, if any, and with all applicable laws, rules, regulations, and The Medical Faculty Handbook of TouroMed.

**FOURTH AFFIRMATIVE DEFENSE**

33. Plaintiffs have failed to mitigate their damages, if any.

**FIFTH AFFIRMATIVE DEFENSE**

34. If plaintiffs sustained damages as alleged in the Complaint, such damages were sustained solely through and by virtue of their own culpable conduct.

**SIXTH AFFIRMATIVE DEFENSE**

35. Defendants' obligations pursuant to any employment contact(s) entered into with plaintiffs, if any, are discharged by reason of frustration of purpose.

**SEVENTH AFFIRMATIVE DEFENSE**

36. Plaintiffs' claims are barred by the doctrines of waiver and/or estoppel.

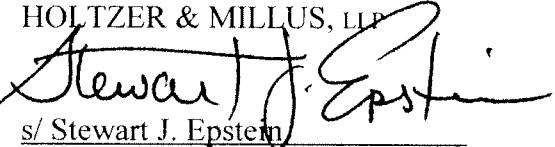
**EIGHTH AFFIRMATIVE DEFENSE**

37. Plaintiffs' claims are barred by the doctrine of unclean hands.

WHEREFORE, defendants Touro College and Touro University College of Medicine, Inc. demand judgment as follows:

- a. dismissing the Complaint in its entirety, with prejudice;
- b. awarding defendants their costs and expenses, including reasonable attorneys' fees, for the defense of this action; and
- c. awarding such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
March 15, 2010

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